

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ERNESTO LYLE GALVEZ,**

**Plaintiff,**

**v.**

**DARLENE A. VELTRI,**

**Defendant.**

**Case No. 05-cv-68-DRH**

**ORDER**

**HERNDON, District Judge:**

Now before the Court is the Report and Recommendation (“R&R”) (Doc. 12) issued pursuant to **28 U.S.C. § 636(b)(1)(B)** by Magistrate Judge Proud, which recommends granting Defendant’s Motion to Dismiss (Doc. 7), thereby dismissing this case without prejudice. This recommendation was made “due to [Plaintiff’s] failure to exhaust administrative remedies, and in light of the fact the issues raised and relief sought are now moot” (Doc. 12, p. 6). Additionally, Plaintiff has failed to keep the Court apprised of his current mailing address, as several Court orders sent to Plaintiff’s last known address since his release from incarceration have been returned as undeliverable. Further, because the Court and Defendant have been unable to mail service copies of Court documents to Plaintiff, he did not file a Response to the Defendant’s Motion to Dismiss, nor did he file objections to the

R&R. Therefore, dismissal without prejudice was also recommended for Plaintiff's failure to diligently prosecute his case and for failure to keep the Court apprised of his current mailing address.

The R&R was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" within ten days of service. (See Doc. 12-2.) To date, neither party has filed objections and the period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct *de novo* review of this matter. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).**

Thus, the Court **ADOPTS** the R&R in its entirety. Plaintiff's Complaint (Doc. 1) is hereby **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Signed this 13<sup>th</sup> day of July, 2006.

/s/ David RHerndon  
**United States District Judge**